

N. Y., a consignment of 50 cases of bottled beer, each bottle bearing two labels, upon one of which were printed the following words, letters, and designs :

[Picture of eagle and flag]	SAINT LOUIS B B B BOHEMIAN	Bohemian Brewery's Bottling B B B Barton B. Bostwick, Agent.
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LA MEJOR DEL UNIVERSO

On the other were printed :

Brilliant BOHEMIAN Beer	SAINT LOUIS — B - B - B	Best BOHEMIAN Brew
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The beer was consigned by the Joseph Fallert Brewing Company, Brooklyn, N. Y., to Guantanamo, Cuba.

An investigation by an inspector of the Department of Agriculture disclosed that the beer was manufactured and bottled in Brooklyn, N. Y., and was not Bohemian beer. Accordingly, on April 17, 1908, the Secretary of Agriculture reported the facts to the United States attorney for the eastern district of New York, who forthwith filed a libel for seizure and condemnation of the said beer, with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. McCABE,
Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 1, 1909.*

(N. J. 52.)

MISBRANDING OF CANNED CORN.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given of the judgment of the court in the case of the United States *v.* 678 cases of canned corn, a proceeding of libel brought under section 10 of the aforesaid act, in the district court of the United States for the western district of Oklahoma, for seizure and condemnation of the said corn for the reason that it was misbranded, in this, that each case was labeled and branded "2 doz. 2 lbs. Golf Queen Sugar Corn, packed by Ft. Des Moines Canning Co.,

Dexter, Iowa," or "2 doz. 2 lbs. Yucca Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa," when, as a matter of fact, the gross weight of each can did not exceed 1.5 pounds. McCord-Collins Mercantile Company, consignees and claimants, having appeared and filed their answer, and the cause having come on for hearing on November 10, 1908, upon an agreed statement of facts and argument of counsel, a decree of forfeiture and condemnation was rendered in substance and in form as follows:

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT
OF THE STATE OF OKLAHOMA.

THE UNITED STATES, <i>Libelant</i> ,	} No. —. Decree of condemnation.
<i>vs.</i>	
678 CASES OF CORN, <i>Defendant</i> .	

Now, to wit, on the 10th day of November, 1908, at a term of said court at Lawton, in said district, said cause came on for trial, and it appearing to the court that upon the libel filed herein, monition and warrant of arrest was issued and duly served on the 18th day of July, 1908, and that by virtue of said warrant the marshal has seized and now holds six hundred and seventy-eight cases of canned corn of the approximate value of eight hundred dollars, containing two dozen cans to the case, the said six hundred and seventy-eight cases of canned corn, with the contents, having been seized within the premises and in the possession of the McCord-Collins Mercantile Company, a corporation, of Oklahoma City, within said district, and now being stored in the custody of the said marshal, and it appearing that the said McCord-Collins Mercantile Company, a corporation, the owners of said six hundred and seventy-eight cases of canned corn, was duly warned to appear on the 1st day of September, 1908, and that due and legal notice and proclamation was given to all persons having or claiming to have any claim, right, or interest herein, or in or to said property, to appear on said date and answer the said libel, and the said McCord-Collins Mercantile Company having so appeared by Burwell, Crocket, and Johnson, the attorneys of said company, and filed its answer to the said libel, and the libelant appearing by J. W. Scothorn, assistant United States attorney for the western district of Oklahoma, and the said McCord-Collins Mercantile Company appearing by the said Burwell, Crocket, and Johnson, and L. N. Gensman, its attorneys, a jury is waived and the said cause is tried to the court; the libelant and respondent each making a statement to the court of their evidence and agreeing in open court as to what the facts are in this case, and upon said agreement in open court, submitted the same to the court, and the court now being fully advised in the premises finds for the libelant, and finds that the contents of the six hundred and seventy-eight cases containing canned corn, of two dozen cans each, are articles of food, and that said cases are misbranded within the meaning of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, liquors, and for regulating traffic therein, and for other purposes," and that the same has been transported as corn in interstate commerce, from the city of Dexter, in the State of Iowa, to the city of Oklahoma City, in the State of Oklahoma, and consigned to the McCord-Collins Mercantile Company, a corporation, in the western district of Oklahoma, and remains in said district in the original unbroken cases, being a consignment of canned corn misbranded, as to the weight of the contents of said

cases, and transported in interstate commerce from the said city of Dexter, in the State of Iowa, to the said McCord-Collins Mercantile Company, of Oklahoma City, Okla., being all of such consignment found in original unbroken packages; that is, the court finds that said articles of food are misbranded and in violation of said act of Congress in that said cases, and each of them, contain less weight than the amount as shown by the brands thereon; and that the said articles of food were so transported in interstate commerce and consigned and delivered to the McCord-Collins Mercantile Company aforesaid, wholesale dealers.

The court further finds that the articles of food contained in said six hundred and seventy-eight cases is not adulterated, poisonous, or deleterious, but that the violation of said act of Congress is in the misbranding of such cases as to the quantity contained in each case, and that the same were consigned only to a wholesale dealer and not sold to the public for consumption.

Wherefore, it is ordered, adjudged, and decreed by the court that the said six hundred and seventy-eight cases of corn, with the contents aforesaid, be, and they are hereby, declared to be misbranded in violation of the act of June 30, 1906, as charged in said libel; and it is further ordered that the said six hundred and seventy-eight cases of canned corn, with the contents aforesaid, be, and they are hereby, condemned and forfeited as provided for in the said act of June 30, 1906. It is provided, however, that upon the payment of all the costs in the proceeding herein, including all court, clerk's, and marshal's costs, and all cost of hauling, storage, watchmen, and other costs incident to or contracted in this proceeding, and the execution and delivery by the said McCord-Collins Mercantile Company, a corporation, to the libelant of a good and sufficient bond in the penalty of five hundred dollars, conditioned that the said six hundred and seventy-eight cases of canned corn, with the contents aforesaid, shall not be sold or otherwise disposed of contrary to the provisions of the said act of June 30, 1906, or the laws of any State, Territory, district, or insular possessions, that said marshal shall redeliver the said six hundred and seventy-eight cases of canned corn, with such of their contents as they now contain or may contain at the time of such redelivery, to the said McCord-Collins Mercantile Company, a corporation, in lieu of the retention and destruction thereof, the said bond to be filed herein, if at all, on or before the 1st day of December, 1908, and that the libelant receive from said McCord-Collins Mercantile Company, a corporation, its costs herein taxed at — dollars, for which execution shall issue if the costs are not paid as hereinbefore provided.

The facts in this case were as follows:

On or about July 16, 1908, an inspector of the Department of Agriculture found in the possession of the McCord-Collins Mercantile Company, Oklahoma City, Okla., 202 cases (each containing 24 cans) of corn, labeled "2 doz. 2 lbs. Yucca Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa," and 476 cases (each containing 24 cans) of corn and labeled "2 doz. 2 lbs. Golf Queen Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa." These goods had been shipped to McCord-Collins Mercantile Company by the Ft. Des Moines Canning Co., and were received by them on June 13, 1907. A number of the cans were weighed by the inspector and the average gross weight of each was found to be 1.5 pounds.

The cases were therefore misbranded within the meaning of section 8 of the Food and Drugs Act, and on July 16, 1908, the facts were reported

by the Secretary of Agriculture to the United States attorney for the western district of Oklahoma and libel for seizure and condemnation was duly filed with the result hereinbefore stated.

H. W. WILEY,
F. L. DUNLAP,
GEO. P. MCCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *April 1, 1909.*

(N. J. 53.)

MISBRANDING OF CANNED CORN.

(UNDERWEIGHT.)

In accordance with the provisions of section 4 of the Food and Drugs Act of June 30, 1906, and of regulation 6 of the rules and regulations for the enforcement of the act, notice is given that on or about the 10th day of November, 1908, in the district court of the United States for the western district of Oklahoma, in a criminal prosecution by the United States against the Ft. Des Moines Canning Co., a corporation conducting business at Dexter, Iowa, for violation of section 2 of the aforesaid act, in the delivery to McCord-Collins Mercantile Company at Oklahoma City, in original packages, of 678 cases of canned corn which were misbranded in respect to the statement thereon of the weight of the cans therein, and which said cases had theretofore been shipped by said Ft. Des Moines Canning Company from Dexter, Iowa, to Oklahoma City, Okla., the said Ft. Des Moines Canning Company having entered a plea of guilty, the court imposed upon it a fine of \$100.

The facts in the case were as follows:

On July 16, 1908, an inspector of the Department of Agriculture found in the possession of McCord-Collins Mercantile Company at Oklahoma City, Okla., 678 cases of canned corn, 202 of which were labeled "2 doz. 2 lbs. Yucca Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa," and 476 of which were labeled "2 doz. 2 lbs. Golf Queen Sugar Corn, packed by Ft. Des Moines Canning Co., Dexter, Iowa." A representative number of the cans having been weighed and found to average only one and one-half pounds each, it was apparent that the cases were misbranded within the meaning of section 8 of the Food and Drugs Acts of June 30, 1906. The corn had been shipped to McCord-Collins Mercantile Company by the Ft. Des Moines Canning Company, from Dexter, Iowa. Upon report of these facts by the Secretary of Agriculture to the United States attorney for the western district